

REMARKS

The last Office Action of October 9, 2007 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 20-48 are pending in the application. Claims 20 and 38 have been amended. Claims 21, 39, 46-48 and have been canceled. No amendment to the specification has been made. No fee is due.

Claims 20, 22-38 and 40-48 stand rejected under 35 U.S.C. §102(b) as being anticipated by Monette et al. (WO 2001/82009).

It is noted with appreciation that claims 21 and 39 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

For the purpose of expediting the patent application process in a manner consistent with the PRO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), applicant has amended claim 20 by incorporating the subject matter of claim 21, which was indicated allowable. Likewise, applicant has amended claim 38 by incorporating the subject matter of claim 39, which was indicated allowable. Applicant asserts that claim 21, rewritten in independent form as claim 20, and claim 39, rewritten in independent form as claim 38, have not been narrowed to trigger prosecution history estoppel. *See Salazar v. Procter & Gamble Co.*, 75 USPQ2d, 1369 (stating that introducing claim 7 based on the allowable subject matter of dependent claim 3 of the "149 application was not a narrowing amendment for purposes of patentability and, therefore, does not by itself give rise to prosecution history estoppel).

Claims 46-48 have now been canceled.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: January 9, 2008
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF/WS:af